

expiration of that 18-month period, the EPA will apply sanctions as required by section 502(d)(2) of the Act, which will remain in effect until the EPA determines that the State of Oklahoma has corrected the deficiency by submitting a complete corrective program.

If the EPA disapproves Oklahoma's complete corrective program, the EPA will apply sanctions as required by section 502(d)(2) on the date 18 months after the effective date of the disapproval, unless prior to that date Oklahoma has submitted a revised program and the EPA has determined that it corrected the deficiencies that prompted the disapproval.

In addition, discretionary sanctions may be applied where warranted any time after the expiration of an interim approval period if the State of Oklahoma has not timely submitted a complete corrective program or the EPA has disapproved its submitted corrective program. Moreover, if the EPA has not granted full approval to the Oklahoma program by the expiration of this interim approval and that expiration occurs after November 15, 1995, the EPA must promulgate, administer and enforce a Federal permits program for the State of Oklahoma upon interim approval expiration.

Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 standards as promulgated by the EPA as they apply to part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, the EPA is also promulgating approval under section 112(l)(5) and 40 CFR 63.91 of the State's program for receiving delegation of section 112 standards that are unchanged from Federal standards as promulgated. This program for delegations only applies to sources covered by the part 70 program.

III. Administrative Requirements

A. Docket

Copies of the State's submittal and other information relied upon for the final source category-limited interim approval, including the thirteen public comment letters received and reviewed by the EPA on the proposal, are contained in docket number OPP-6-9-1 maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered

by, the EPA in the development of this final source category-limited interim approval. The docket is available for public inspection at the location listed under the ADDRESSES section of this document.

B. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

C. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

D. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, the EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under Section 205, the EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated today does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves preexisting requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: January 11, 1996.

Jane N. Saginaw,
Regional Administrator (6A).

Part 70, title 40 of the Code of Federal Regulations is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, et seq.

2. Appendix A to part 70 is amended by adding the entry for the State of Oklahoma in alphabetical order to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Oklahoma

(a) The Oklahoma Department of Environmental Quality submitted its operating permits program on January 12, 1994, for approval. Source category—limited interim approval is effective on March 6, 1996. Interim approval will expire March 5, 1998. The scope of the approval of the Oklahoma part 70 program excludes all sources of air pollution over which an Indian Tribe has jurisdiction.

(b) Reserved

* * * * *

[FR Doc. 96-2358 Filed 2-2-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 282

[FRL-5331-9]

Underground Storage Tank Program: Approved State Program for Georgia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: The Resource Conservation and Recovery Act of 1976, as amended (RCRA), authorizes the U.S. Environmental Protection Agency (EPA) to grant approval to states to operate their underground storage tank programs in lieu of the federal program. 40 CFR part 282 codifies EPA's decision to approve state programs and incorporates by reference those provisions of the state statutes and regulations that will be subject to EPA's inspection and enforcement authorities under sections 9005 and 9006 of RCRA subtitle I and other applicable statutory and regulatory provisions. This rule codifies in part 282 the prior approval of Georgia's underground storage tank program and incorporates by reference appropriate provisions of state statutes and regulations.

DATES: This regulation is effective March 4, 1996, unless EPA publishes a prior Federal Register document withdrawing this immediate final rule. All comments on the codification of Georgia's underground storage tank program must be received by the close of business February 1, 1996. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register, as of March 4, 1996, in accordance with 5 U.S.C. 552(a).

ADDRESSES: Comments may be mailed to the Underground Storage Tank Section (GWP-15), U.S. EPA Region 4, 345 Courtland St., Atlanta, GA 30365. Comments received by EPA may be inspected in the public docket, located in the Water Management Division, 345 Courtland Street NE., Atlanta, GA 30365 from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: John Mason, Chief, Underground Storage Tank Section, U.S. EPA Region 4, 345 Courtland Street NE., Atlanta, GA 30365. Phone: (404) 347-3866, ext. 6672.

SUPPLEMENTARY INFORMATION:

Background

Section 9004 of the Resource Conservation and Recovery Act of 1976, as amended, (RCRA), 42 U.S.C. 6991c, allows EPA to approve state underground storage tank programs to operate in the state in lieu of the federal underground storage tank program. EPA published a Federal Register document announcing its decision to grant approval to Georgia. (56 FR 91, May 10, 1991). Approval was effective on July 9, 1991.

EPA codifies its approval of state programs in 40 CFR part 282 and incorporates by reference therein the state statutes and regulations that will be subject to EPA's inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, and other applicable statutory and regulatory provisions. Today's rulemaking codifies EPA's approval of the Georgia underground storage tank program. This codification reflects the state program currently in effect (including statutory and regulatory updates made since the time EPA granted Georgia approval under section 9004(a), 42 U.S.C. 6991c(a) for its underground storage tank program). Notice and opportunity for comment were provided earlier on the Agency's decision to approve the Georgia program, and EPA is not now reopening that decision nor requesting comment on it.

This effort provides clear notice to the public of the scope of the approved program in each state. By codifying the approved Georgia program and by amending the Code of Federal Regulations whenever a new or different set of requirements is approved in Georgia, the status of federally approved requirements of the Georgia program will be readily discernible. Only those provisions of the Georgia underground storage tank program for which approval has been granted by EPA will be incorporated by reference for enforcement purposes.

To codify EPA's approval of Georgia's underground storage tank program, EPA has added section 282.60 to title 40 of the CFR. Section 282.60 incorporates by reference for enforcement purposes the State's statutes and regulations. Section 282.60 also references the Attorney General's Statement, Demonstration of Adequate Enforcement Procedures, the Program Description, and the Memorandum of Agreement, which are approved as part of the underground storage tank program under subtitle I of RCRA.

The Agency retains the authority under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, and other applicable statutory and regulatory provisions to undertake inspections and enforcement actions in approved states. With respect to such an enforcement action, the Agency will rely on federal sanctions, federal inspection authorities, and federal procedures rather than the state authorized analogs to these provisions. Therefore, the approved Georgia enforcement authorities will not be incorporated by reference. Section 282.60 lists those approved Georgia authorities that would fall into this category.

Certification Under the Regulatory Flexibility Act

This rule codifies the decision already made (56 FR 91, May 10, 1991) to approve the Georgia underground storage tank program and thus has no separate effect. Therefore, this rule does not require a regulatory flexibility analysis. Thus, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, federal agencies must consider the paperwork burden imposed by any information request contained in a proposed or final rule. This rule will not impose any information requirements upon the regulated community.

List of Subjects in 40 CFR Part 282

Environmental protection, Hazardous substances, Incorporation by reference, Intergovernmental relations, State program approval, Underground storage tanks, Water pollution control.

Dated: October 20, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

For the reasons set forth in the preamble, 40 CFR Part 282 is proposed to be amended as follows:

PART 282—APPROVED UNDERGROUND STORAGE TANK PROGRAMS

1. The authority citation for part 282 continues to read as follows:

Authority: 42 U.S.C. 6912, 6991c, 6991d, and 6991e.

2. Subpart B is amended by adding § 282.60 to read as follows:

Subpart B—Approved State Programs

§ 282.60 Georgia State-Administered Program.

(a) The State of Georgia is approved to administer and enforce an underground storage tank program in lieu of the federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Georgia Department of Natural Resources, Environmental Protection Division, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA approved the Georgia program on April 29, 1991 and it was effective on July 9, 1991.

(b) Georgia has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Georgia must revise its approved program to adopt new changes to the federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c,

and 40 CFR part 281, subpart E. If Georgia obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the Federal Register.

(d) Georgia has final approval for the following elements submitted to EPA in Georgia's program application for final approval and approved by EPA on April 29, 1991. Copies may be obtained from the Underground Storage Tank Management Program, Georgia Environmental Protection Division, 4244 International Parkway, Suite 100, Atlanta, GA 30354.

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Georgia Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) Georgia Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include the following sections of the Georgia Underground Storage Tank Act:

- 12-13-5—Rules and regulations; enforcement powers,
- 12-13-8—Investigations,
- 12-13-14—Corrective action for violations of chapter, rules, etc., and for release of regulated substance into environment,
- 12-13-15—Injunctions and restraining orders,
- 12-13-16—Hearings and review,
- 12-13-17—Judgement by superior court,
- 12-13-19—Violations; imposition of penalties,
- 12-13-20—Action in emergencies, and
- 12-13-22—Representation by Attorney General

(B) The regulatory provisions include the following sections of Rules of Georgia Department of Natural Resources, Environmental Protection Division, Underground Storage Tank Management:

- 391-3-15-.01(2)—Authority, and
- 391-3-15-.14—Enforcement

(2) *Statement of legal authority.* (i) "Attorney General's Certification of 'No Less Stringent' Objectives And 'Adequate Enforcement' Authorities Implementing The Underground Storage

Tank Program", signed by the Attorney General of Georgia on February 20, 1990, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The "Demonstration of Procedures for Adequate Enforcement" submitted as part of the original application on February 20, 1990, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application in February 1990, though not incorporated by reference, are referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 4 and the Georgia Department of Natural Resources, signed by the EPA Regional Administrator on July 10, 1991, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

3. Appendix A to part 282 is amended by adding in alphabetical order "Georgia" and its listing.

Appendix A to Part 282—State Requirements Incorporated by Reference in Part 282 of the Code of Federal Regulations

* * * * *

Georgia

(a) The statutory provisions include the Georgia Underground Storage Tank Act (GUSTA) (O.C.G.A. § 12-13-1, *et seq.*):

- Section 12-13-2—Public policy.
- Section 12-13-3—Definitions.
- Section 12-13-4—Exceptions to chapter.
- Section 12-13-5—Rules and regulations; enforcement powers.
- Section 12-13-6—Powers and duties of director.
- Section 12-13-7—Performance standards applicable until rules and regulations effective.
- Section 12-13-8—Investigations.
- Section 12-13-9—Establishing financial responsibility; claims against guarantor; Underground storage Trust Fund.
- Section 12-13-10—Environmental assurance fees.
- Section 12-13-11—Corrective action for release of petroleum product into environment.

- Section 12-13-12—Recovery in event of discharge or threat of discharge of regulated substance.
- Section 12-13-13—Notice by owner of underground storage tank.
- Section 12-13-14—Corrective action for violations of chapter, rules, etc., and for release of regulated substance into environment.
- Section 12-13-15—Injunctions and restraining orders.
- Section 12-13-16—Hearings and review.
- Section 12-13-17—Judgement by superior court.
- Section 12-13-18—Required compliance with chapter; proof that petroleum subjected to environmental fee.
- Section 12-13-19—Violations; imposition of penalties.
- Section 12-13-20—Action in emergencies.
- Section 12-13-21—Public access to records.
- Section 12-13-22—Representation by Attorney General.

(b) The regulatory provisions include the Rules of Georgia Department of Natural Resources, Environmental Protection Division, Underground Storage Tank Management:

- Section 391-3-15-.01—General provisions. Amended.
- Section 391-3-15-.02—Definitions, UST Exclusions, and UST Deferrals. Amended.
- Section 391-3-15-.03—Confidentiality of Information. Amended.
- Section 391-3-15-.04—Interim Prohibition for Deferred UST Systems. Amended.
- Section 391-3-15-.05—UST Systems: Design, Construction, Installation and Notification. Amended.
- Section 391-3-15-.06—General Operating Requirements. Amended.
- Section 391-3-15-.07—Release Detection. Amended.
- Section 391-3-15-.08—Release Reporting, Investigation, and Confirmation. Amended.
- Section 391-3-15-.09—Release Response and Corrective Action for UST Systems Containing Petroleum. Amended.
- Section 391-3-15-.10—Release Response and Corrective Action for UST Systems Containing Hazardous Substances. Amended.
- Section 391-3-15-.11—Out-of-Service UST Systems and Closure. Amended.
- Section 391-3-15-.12—UST Systems Containing Petroleum; Financial Responsibility Requirements. Amended.
- Section 391-3-15-.13—Georgia Underground Storage Tank (GUST) Trust Fund. Amended.
- Section 391-3-15-.14—Enforcement.
- Section 391-3-15-.15—Variances.

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